

REMARKS

Claims 1-8 are pending in this application, claims 2-4 and 6-8 having been withdrawn from consideration. By this Amendment, claims 1 and 5 are amended to more particularly point out and distinctly claim the subject matter of the invention. Support for these amendments can be found in the specification and claims as originally filed. Thus, no new matter is added by these amendments.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 1 and 5 under 35 U.S.C. §102(e) over U.S. Patent 6,120,918 to Osaka et al. Applicants respectfully traverse this rejection.

Claims 1 and 5 set forth, in pertinent part, a cobalt-nickel-iron alloy thin film containing "60 to 75 weight % cobalt, 10 to 20 weight % nickel, and at least 10 weight % iron but less than 20 weight % iron and having a crystal structure that is a mixture of a body-centered cubic structure phase and a face-centered cubic structure phase, wherein I_b/I_f is in the range of 0.3 to 0.7 inclusive where I_b represents the intensity of an X-ray diffracted from a (110)-plane of the body-centered cubic structure and I_f represents the intensity of an X-ray diffracted from a (111)-plane of the face-centered cubic structure."

Osaka does not disclose cobalt-nickel-iron thin films having the composition and structure of the cobalt-nickel-iron thin films of claims 1 and 5. Specifically, Osaka does not

disclose a cobalt-nickel-iron thin film containing 60 to 75 weight % cobalt, 10 to 20 weight % nickel, and at least 10 weight % iron but less than 20 weight % iron. Osaka does not disclose cobalt-nickel-iron thin films where the iron content is at least 10 weight % but less than 20 weight %, as claimed.

In addition, as shown in figure 6 of Osaka, every cobalt-nickel-iron thin film disclosed in the reference exhibiting both face-centered cubic and body centered cubic crystal structures contains 20 weight % of iron or more. The cobalt-nickel-iron alloy thin films having less than 20% iron content disclosed by Osaka exhibit face-centered cubic structure, not a mixture of body-centered cubic and face-centered cubic structures.

Further, as is illustrated by Figure 14 of the specification, the values of I_b/I_f can differ even if the composition is the same. Figure 14 shows the relationship between the pH of the plating bath in film formation and the I_b/I_f value observed in samples having substantially the same composition. The I_b/I_f value of a composition can be changed by controlling the pH of the plating bath. Thus, Osaka does not disclose cobalt-nickel-iron thin films having both the composition and the I_b/I_f values required by claims 1 and 5.

Thus, Osaka does not anticipate claims 1 and 5 because Osaka does not disclose all of the limitations of claims 1 and 5. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Julie M. Seaman
Registration No. 51,156

JAO:JMS/amw

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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